

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

VERONICA BUTLER,
Wife of Anthony Butler, Deceased,

Plaintiff,

vs.

KEVIN J. CAVANAUGH et al.,

Defendants.

Case No. 4:14-CV-00094-JAR

MEMORANDUM AND ORDER

This matter is before the Court on Defendant PAM Transport, Inc.’s (“PAM Transport”) Motion to Dismiss (Doc. 53), Defendant Furex, Inc.’s (“Furex”) Motion to Dismiss (Doc. 66), and Defendant USA Truck, Inc.’s (“USA Truck”) Motion to Dismiss (Doc. 76). These Defendants assert that the claims against them include claims for “negligent hiring/retention” and “negligent supervision”¹ and that these claims should be dismissed because they are insufficient as a matter of law pursuant to Rule 12(b)(6). In Plaintiff’s response to the motions, she requests that the Court enter an Order dismissing, without prejudice, the portions of the Complaint at issue and that the Court deny Defendants’ Motions to Dismiss as moot (Doc. 108). Defendants have not replied.

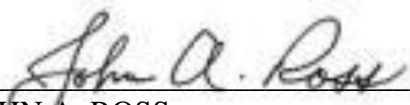
Accordingly,

IT IS HEREBY ORDERED that Paragraphs d, e, and g in Count II, Paragraphs d, e, and g in Count III, and Paragraphs d, e, and g in Count IV are **DISMISSED without prejudice**.

IT IS FURTHER ORDERED that Defendants’ Motions to Dismiss (Docs. 53, 66, 76) are **DENIED as moot**.

¹ These claims are alleged in paragraphs d, e, and g of the respective wrongful death counts (Count II–PAM Transport, Count III–USA Truck, and Count IV–Furex).

Dated this 27th day of January, 2015.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE